

DATE

Mr. Raymond "Shoe Do" Lewis  
Iberia Parish School Board  
P.O. Box 200  
New Iberia, LA 70563

**Re: Louisiana Board of Ethics Docket No. 2021-739  
Advisory Opinion**

Dear Mr. Lewis:

The Louisiana Board of Ethics (the "Board"), at its November 5, 2021 meeting, considered your request for an advisory opinion regarding whether the Louisiana Code of Governmental Ethics ("Code") prohibits your involvement with the Garon Paul Atkins Lewis Foundation while you currently serve as a member of the Iberia Parish School Board.

**FACTS PROVIDED**

You are currently the President and founding member of the Garon Paul Atkins Lewis Foundation ("GPAL"), a nonprofit company. GPAL was created in honor of your son, Garon Lewis, who was killed on August 16, 2019, to support various organizations which foster the development of youth. You stated you do not draw any compensation from GPAL and do not intend to be employed by GPAL. You have no ownership interest in GPAL. You stated that Tyra McWhorter, GPAL Executive Director, and Tytiana N. McWhorter, the GPAL Coordinator, would conduct all interactions with the Iberia Parish School system, such as submitting a grant application and organizing fundraising activities.

**LAW**

**La. R.S. 42:1111C(2)(d)** provides that no public servant and no legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, shall receive any thing of economic value for or in consideration of services rendered, or to be rendered, to or for any person during his public service unless such services are neither performed for nor compensated by any person referenced in R.S. 42:1115A(1) or (B).

**La. R.S. 42:1115** refers to any person, or any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person (A)(1) has or is seeking to obtain contractual or other business or financial relationships with the public servant's agency; (B)(1) conducts operations or activities which are regulated by the public employee's agency; or, (B)(2) has substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee's official duty.

**La. R.S. 42:1113A(1)(a)** provides that no public servant, excluding any legislator and any appointed member of any board or commission and any member of a governing authority of a parish with a population of ten thousand or less, or member of such a public servant's immediate family, or legal entity in which he has a controlling interest shall bid on or enter into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant.

**La. R.S. 42:1112B(3)** provides that no public servant shall participate in a transaction involving the governmental entity in which, to his actual knowledge, any person of which he is an officer, director, trustee, partner, or employee has a substantial economic interest.

**La. R.S. 42:1123(1)** provides an exception to the Code which allows for participation in the affairs of charitable, religious, nonprofit education, public service, or civic organizations when no compensation is received.

### **ANALYSIS AND CONCLUSION TO 5 QUESTIONS POSED**

**I. Although you state that you do not intend to be employed or draw compensation from GPAL, does the Code prohibit you from doing so while serving as a member of the school board?**

The Board concluded, and instructed me to inform you, that, La. R.S. 42:1111C(2)(d) does not prohibit you from being employed by GPAL under the current circumstances. However, you should be cautioned that if GPAL enters into transactions with, or seeks to enter into transactions with, the Iberia Parish School system, La. R.S. 42:1111C(2)(d) would prohibit you from being employed by or accepting any thing of economic value from GPAL.

**II. May GPAL collaborate with the Iberia Parish School system to apply for Federal and/or State Grants? Does your association with GPAL prohibit your participation in such activities or the school's participation in such activities?**

The Board concluded, and instructed me to inform you, that La. R.S. 42:1113A(1)(a) would not prohibit GPAL from collaborating with the Iberia Parish School system to apply for grants, since you have no ownership interest in GPAL. However, La. R.S. 42:1113A(1)(a) prohibits you from bidding on or entering into any contract, subcontract, or other transaction on behalf of GPAL that is under the supervision or jurisdiction of the Iberia Parish School system. Therefore, the Board cautioned that GPAL's Executive Director and/or Coordinator must handle all aspects of the transactions, such as grant applications, with the Iberia Parish School system, as you are prohibited by La. R.S. 42:1113A(1)(a) from entering into the transactions on behalf of GPAL with the school system.

With respect to your participation as a school board member in matters that come before the Iberia Parish School system involving GPAL, the exception in La. R.S. 42:1123(1) will allow you to participate in those matters, as long as you receive no compensation from GPAL.



**III. May you participate in fundraising for GPAL at events sponsored by Iberia Parish School organizations (ie: New Iberia Senior High School, its football team, school-related programs, etc.)?**

The Board concluded, and instructed me to inform you, that La. R.S. 42:1115A(1) prohibits you from soliciting donations from any person who has, or is seeking to have, a contractual, business, or financial relationship with the Iberia Parish School system, irrespective of whether the solicitation occurs at school events or other locations.

The Board further cautioned that should approval from the Iberia Parish School system be required to conduct the fundraising event at a school sponsored event be required, you would be prohibited from seeking such approval by La. R.S. 42:1113A(1)(a), as noted above. Any such approval should be handled by GPAL's Executive Director and/or Coordinator.

**IV. May GPAL receive contributions from businesses that have a relationship with the Iberia Parish School Board?**

The Board concluded, and instructed me to inform you, that La. R.S. 42:1115A(1) does not prohibit GPAL from soliciting and accepting donations from sources who have, or are seeking to have, a contractual, business, or financial relationship with the Iberia Parish School system, since GPAL is not a public servant. However, La. R.S. 42:1115A(1) prohibits you from personally soliciting or accepting donations on GPAL's behalf from persons that have, or are seeking to have, a contractual, business or financial relationship with the Iberia Parish School system.

**V. Are there any other conflicts or prohibitions with respect to your association with GPAL while you serve as a school board member.**

The Board declined to answer this question without a specific question that has not already been raised by the above questions.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Louisiana Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Louisiana Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions contained in the Louisiana Gaming Control Law. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

Suzanne Quinlan Mooney  
For the Board